

ARTICLE 1

GENERAL PROVISIONS

- 1-101 Title -- These regulations shall hereinafter be known and cited as the Subdivision Regulations of Pegram, Tennessee.
- 1-102 Authority -- These subdivision regulations are adopted by the Pegram Municipal Planning Commission (hereinafter referred to as "Planning Commission"), in pursuance of the authority and powers granted by Section 13-4-301 through 13-4-309, Tennessee Code Annotated. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan with the Cheatham County Register of Deeds (hereinafter referred to as "county register"), as required by Section 13-4-302, Tennessee Code Annotated, and having held a public hearing as indicated in Section 13-3-303 of these regulations, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.
- 1-103 Jurisdiction -- These subdivision regulations shall apply to all subdivisions, as herein defined, located within the corporate limits of Pegram, Tennessee. No land shall be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains planning commission approval of the plat, and files the approved plat with the county register.
- 1-104 Policy and Purpose -- It is hereby declared to be the policy of the planning commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace. Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan.

The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Pegram Zoning Ordinance (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purpose:

- (1) To promote the public health, safety, and general welfare of the jurisdictional area.
- (2) To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- (3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- (4) To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- (5) To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- (6) To guide public and private policy and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.
- (7) To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- (9) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

- (10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- (11) To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- (12) To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- (13) To encourage subdivision design which would maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation -- These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions -- These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions -- These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceed the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the planning commission.

1-105.3 Severability -- If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The planning commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-106 Saving Provision -- These regulations shall not be construed as abating any action not pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the governing body under any section or provision existing at the time of adoption of these regulations; or as locating or annulling any rights obtained by any person by lawful action of the governing body, except as expressly provided otherwise in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval -- The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1-106-102 Expired Preliminary Approval -- In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the planning commission:

- (1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the planning commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the planning commission's deliberation on this question.

1-107 Amendments

1-107.1 Enactment -- For the purpose of providing for the public health, safety, and general welfare the planning commission may from time to time amend these regulations. Before the adoption of any amendment to these regulations, a public hearing thereon shall be held by the planning commission, as required by Chapter 4, Title 13, Tennessee Code Annotated.

1-107.2 Codification and Distribution -- Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

(1) Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.

(2) In Article 7 of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision -- If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the planning commission by the same procedure, rules, and regulations as for a subdivision.

1-108.2 Procedures for Subdivision Where Future Resubdivision is Foreseen -- Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the planning commission has reason to believe that any such lot(s) will be resubdivided into smaller buildings sites, the planning commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The planning commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

1-109 Conditions -- Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the planning commission. The developer has the duty of compliance with reasonable conditions imposed by the planning commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats -- Any plat or any part of any plat may be vacated by the owner of the premise, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be attached, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same procedure for approval of such instrument as required for approval of plats. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General -- If the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these

regulations, a variance from these regulations may
be granted; provided, such variances shall not have
the effect of

nullifying the general intent and purpose of these regulations and provided, further, that the planning commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

- (1) the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
- (2) the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
- (4) the variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

Where the planning commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1-111.2 Procedures -- In approving any variation from these regulations the planning commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made.

1-111.3 Conditions -- In approving variations, the planning commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

- 1-112.101 Authority -- The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code Annotated.
- 1-112.102 Enforcing Officer -- It shall be the duty of the Building Inspector (hereinafter referred to as "the enforcing officer") to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.
- 1-112.103 Recording of Plats -- Pursuant to Section 13-4-302 Tennessee Code Annotated, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the planning commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the planning commission secretary in the manner prescribed by Section 2-105 of these regulations.
- 1-112.104 Use of Unapproved Plats -- Pursuant to Sections 13-4-306, Tennessee Code Annotated, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated therein.
- 1-112.105 Public Ways and Utilities -- Pursuant to Sections 13-4-307, Tennessee Code Annotated, the governing body shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the planning commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the planning commission or on a public way plat made by the planning commission.

However, the governing body may override the planning commission as provided in Title 13, Tennessee Code Annotated.

In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the planning commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the planning commission.

1-112.106 Building Permits -- No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.107 Access to Lots by Public Way or Private Easement -- Pursuant to Section 13-4-308, Tennessee Code Annotated, no building permit shall be issued and no building, or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law.

Provided, however that when a permanent easement to a public street is used as access to a lot or tract of land being separated by plat from other property, such easement shall be at least 50 feet in width and shall not be used to provide access to more than one lot or tract of land.

The following standards shall apply to all permanent easements being used to provide access to one lot or tract of land:

- (1) easement shall not be legally used by more than two property owners.
- (2) no easement shall exceed 700 feet in length.
- (3) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (4) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (5) maintenance of the easement shall be the responsibility of the property owners.
- (6) all required utility easements shall be located outside the 50 foot roadway easement.
- (7) any further subdividing on the easement shall require the development of a public road and meet all road standards and other requirements as stated in these regulations.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of

condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats -- Any county register receiving, filing, or recording a plat of a subdivision in violation of Section 1-112.103, of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

1-112.202 Use of Unapproved Plats -- Any owner or agent of the owner of any land who violates Section 1-112.104, of these regulations shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

1-112.3 Civil Enforcement -- Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Section 1-112.2 of these regulations.

1-113 Repeal of Previous Regulations -- Upon the adoption and effective date of these regulations, the Subdivision Regulations of Cheatham County, Tennessee, are hereby repealed.

ARTICLE 2

PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements -- Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions -- The planning commission shall classify each subdivision proposal as either major or minor as defined herein.

2-101.201 Review Procedure -- The subdivider shall follow the procedure described below in order to secure plat approval

(1) Minor Subdivision

(a) Preapplication conference with the enforcing officer including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.

(b) Submittal of a final plat, prepared in accordance with the specifications in Section 5-104, herein, for approval by the planning commission.

(2) Major Subdivision

(a) Preapplication conference on the subdivision with the planning commission and/or staff assistant to the planning commission, generally including a sketch plat, and discussion of the proposed area to be subdivided.

(b) Submittal of the preliminary plat, prepared in accordance with Section 5-102, herein for planning commission approval.

(c) Securing of approval from other public agencies.

(d) Submittal of the final subdivision plat, prepared in accordance with Section 5-104, herein for planning commission approval.

2-101.3 Official Submission Date -- For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-4-304, Tennessee Code Annotated, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood-prone Areas -- In determining the appropriateness of land subdivision at any site containing a flood-prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104 of these regulations and, additionally:

- (1) the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
- (2) the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;
- (3) the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
- (4) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
- (5) the importance of the services provided by the proposed facility to the community at large;
- (6) the requirements of the subdivision for a waterfront location;

- (7) the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
- (8) the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
- (9) the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
- (10) the safety of access to the property for emergency vehicles in times of flood;
- (11) the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
- (12) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, public ways, and bridges; and
- (13) the effect of the proposed subdivision upon the governing body's participation in the National Flood Insurance Program, if such governing body is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the planning commission if proposed subdivision levees, fills, structures, or other features will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the planning commission.

In any instance in which the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood-prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood-prone areas, the planning commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by the Pegram Zoning Ordinance. The planning commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article 4, of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood-prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-101.501 General Provisions

- A. Intent -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, entitled "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Sections 66-27-121, Tennessee Code Annotated.
- B. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code Annotated, wherein there is established a horizontal property regime, each such condominium horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

2-101.502 Submission of Plat Required -- Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision

plat

of

such

property in the manner prescribed by this article; such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

2-101.503 Determination of Subdivision Type -- Condominium subdivisions shall be classified by the planning commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article 6 of these regulations.

2-101.504 Procedure -- An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

2-101.505 Contents of Plans and Documents -- The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article 5 of these regulations.

2-102 Sketch Plat

2-102.1 Purpose of Sketch Plat -- The planning commission shall require a sketch plat from the developer for a preapplication conference with the planning commission. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a very detailed proposal which may contain elements contrary to these regulations.

2-102.2 Sketch Plat Requirements -- The sketch plat shall include the information set forth in Section 5-101.

2-102.3 Approval of Sketch Plat -- When a sketch plat is submitted for planning commission approval, the number of copies required and timing of the submission shall be as for a preliminary plat. Approval of the plat shall constitute authorizations to prepare detailed plans and specifications.

2-102.4 Expiration of Approval -- The approval of the sketch plat shall expire within one year if no other progress is made toward the development. An extension may be granted upon proper application.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Application Procedure and Requirements -- The applicant shall file with the planning commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-102, and:

- (1) be presented at the office of the chief enforcing officer;
- (2) include all land which the applicant proposes to subdivided and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;
- (3) be accompanied by a minimum of four (4) copies of the preliminary plat as described herein;
- (4) be accompanied by a minimum of four (4) copies of construction plans as described in Section 5-103, of these regulations, if deemed necessary by the planning commission; and
- (5) be presented to the staff assistant to the planning commission at least ten (10) days prior to a regular (officially opened) meeting of the planning commission.

2-103.2 Administrative Review -- An administrative review meeting shall be conducted on the preliminary plat, construction plans, and any exhibits submitted in conformance with these regulations. This review shall include the staff assistant to the planning commission and any other appropriate governmental representative. The review shall be held prior to the regularly scheduled planning commission meeting at which the plat is to be reviewed. The findings of the review committee shall be presented to the planning commission.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a flood-prone area. Such report shall estimate the discharge of

the

regulatory

flood; determine the specific flooding threat at the site of the proposed subdivisions; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

- (1) calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
- (2) computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one foot at any point; and
- (3) unless otherwise established, computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-103.3 Notice of Hearing -- The planning commission shall hold a hearing as required by Chapter 3 or 4 of Title 13, Tennessee Code Annotated, on each plat brought before it.

2-103.4 Preliminary Approval -- After the planning commission has reviewed the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant shall be advised of any required changes. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after the date of the regular meeting of the planning commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

A certificate of preliminary approval shall be issued by the secretary of the planning commission, upon demand, and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-104 of these regulations.

After the planning commission approves, conditionally approves, or disapproves the preliminary plat, one copy of the proposed preliminary plat shall be returned to the developer

with the date of approval,

conditional approval, or disapproval thereon. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting.

Before the planning commission approves a preliminary plat showing land for any public use, the planning commission shall obtain approval for the land reservation from the governing body or appropriate governmental agency.

- 2-103.5 Public Improvements -- The planning commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the secretary of the planning commission. If the planning commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate performance bond shall be approved. The amount of such bond shall be established by the planning commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements plus; an additional fifteen (15) percent to cover inflation shall be added. It is the subdivider's responsibility to furnish these estimates to the planning commission.

Such bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The planning commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

- 2-103.6 Effective Period of Preliminary Approval -- The approval of a preliminary plat shall be effective for a period of twelve (12) months, at the end of which time final approval of the subdivision plat must have been obtained from the planning commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new

plat for preliminary approval subject to the Pegram
Zoning Ordinance and the subdivision regulations
currently in effect.

2-103.7 Zoning Regulations -- Every plat shall conform to the Pegram Zoning Ordinance and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Section 2-103.6, herein.

2-104 Final Subdivision Plat (Minor and Major Subdivisions)

2-104.1 Application Procedure and Requirements -- A subdivider shall file with the planning commission a final plat. The plat shall be prepared in accordance with Section 5-104 and:

- (1) include the entire subdivision, or section thereof, for which final approval is sought;
- (2) be accompanied by a minimum of four (4) copies of the final subdivision plat as described herein. Distribution of the copies shall be as in Section 2-103.1, herein.
- (3) comply substantially with the preliminary plat, where such plat is required;
- (4) be presented to the staff assistant to the planning commission at least ten (10) days prior to the regular meeting of the commission at which it is to be considered;
- (5) be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article 5, of these regulations.);
- (6) be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount satisfactory to the governing body upon recommendation by the appropriate governmental representative. It shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission,

including,

but

without

limitations, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the governing body free and clear of all liens and encumbrances on the premise(s);

- (7) be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval; and
- (8) be accompanied, if the final plat contains open space, or recreational facilities, or if any portion of the site is in common ownership, by the following documentation for approval by the planning commission:
 - (a) plans for improvement and maintenance of the open space or facilities located thereon;
 - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivisions; and
 - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

2-104.2 Endorsement of Notations -- The notations and certifications required by Section 5-104.3, of these regulations to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall

be signed at the time specified in Section 2-105 of these regulations.

2-104.3 Hearing and Decision on Final Plat -- The planning commission shall hold a hearing as required by Section 13-4-304, Tennessee Code Annotated, on each final plat brought before it. The planning commission shall, within thirty (30) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed one year from the date of final resolution.

The failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Sections 2-104.4 and 2-105, of these regulations shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may agree to an extension of the time for planning commission review.

One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-104.4 Vested Rights -- No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the secretary of the planning commission. All requirements, conditions, or regulations adopted by the planning commission, applicable to the particular subdivision or to all subdivision generally, shall be deemed a condition of approval for any subdivision prior to the time of the signing of the final plat by the secretary of the planning commission. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

2-105 Signing and Recording of Subdivision Plat

2-105.1 Signing of Plat

- (1) When a bond is required, the secretary of the planning commission shall endorse approval on the plat after the bond has been approved by

the planning commission and after all the conditions of the resolution pertaining to the plat have been satisfied.

(2) When installation of improvements is required, the secretary of the planning commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the governing body as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.

(3) When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.

2-105.2 Recording of Plat -- It shall be the responsibility of the enforcing officer to file the plat with the county register's office within fifteen (15) days of the date of signature. Simultaneously, with the filing of the plat, the enforcing officer shall record the agreement of dedication together with such legal documents as shall be required to be recorded by legal counsel.

2-105.3 Sectionalizing Major Subdivision Plats -- Prior to granting final approval of a major subdivision plat, the planning commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision.

The planning commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the planning commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat unless a specific waiver of this requirements is granted by the planning commission.

ARTICLE 3

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Performance Bond

3-101.1 Completion of Improvements -- Before the final subdivision plat is signed by the planning commission officer specified in Section 2-105.1, of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall dedicate such improvements to the governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument -- The planning commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant post a bond at the time of submission for final subdivision approval in an amount estimated by the planning commission as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incompleated portion of required improvements. (See Section 2-103.5).

Such performance bond shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the planning commission in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not exceed two (2) years from date of final approval.

Such bond shall be approved by the governing body as to amount and conditions. The planning commission may, upon proof of difficulty, recommend to the

governing body extension of the completion date set forth in such bond for a maximum period of one additional year. The governing body may accept at any time during the period of such bond a substitution of principal.

- 3-101.3 Temporary Improvements -- The applicant shall build and pay for all costs of temporary improvements required by the planning commission, and shall maintain them to a reasonable satisfaction for the period specified by the planning commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the governing body a separate suitable bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- 3-101.4 Costs of Improvements -- All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.
- 3-101.5 Governmental Units -- Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.
- 3-101.6 Failure to Complete Improvements -- In subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the planning commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the governing body thereupon may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.
- 3-107.7 Acceptance of Dedication Offers -- Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in the form of a resolution recommended by the planning commission to the governing body. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply an acceptance

by

the

local

government of any public way, easement, or other ground shown on the plat. The planning commission may require the plat to be endorsed with appropriate notes to this effect.

3-102 Inspection of Improvements

3-102.1 General Procedure -- The planning commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements has not been constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

3-102.2 Release or Reduction of Performance Bond

3-102.201 Certificate of Satisfactory Completion - The governing body shall not accept dedication of required public improvements nor release nor reduce a performance bond until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the planning commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in Sections 1-112.106 and 3-101.7, of these regulations.

3-102.202 Reduction of Performance Bond -- A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public

improvements

for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the bond.

- 3-103 Maintenance of Improvements -- The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the governmental body.

The applicant may be required to file a maintenance bond with the governing body prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one year after the date of acceptance of the public improvements by the governing body.

- 3-104 Deferral or Waiver of Required Improvements -- The planning commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the planning commission to deter the construction of any improvements required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall either pay his share of the costs of the future improvements to the governing body prior to signing of the final subdivision plat by the appropriate governmental representative(s) or post a bond or other surety instrument ensuring completion of said improvements upon demand of the governing body.

- 3-105 Escrow Deposits for Lot Improvements

- 3-105.1 Acceptance of Escrow Funds -- Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the enforcing officer nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The performance bond covering

such lot improvements shall remain in full force
and effect.

3-105.2 Procedures on Escrow Fund -- All required improvements for which escrow moneys have been accepted by the enforcing officer at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the enforcing officer shall provide written notice of two (2) weeks to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the enforcing officer, he may request the governing body to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the enforcing officer, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the enforcing officer to install the improvements at the end of the nine month period in the event the improvements have not been installed properly by the developer.

3-106 Issuance of Building Permits and Certificates of Occupancy

- (1) Where a performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the planning commission's resolution of final approval of the subdivision plat.
- (2) The extent of public way and utility improvements shall be adequate to provide all weather access for construction crews, prospective occupant and police and fire equipment prior to the issuance of any building permits. This access shall be prepared to the satisfaction of the city engineer or building inspector. Water pressures shall be adequate for fire protection prior to the issuance of any building permits. Electricity shall also be provided by the electric utility prior to the issuance of any building permits.

- (3) All street name signs shall be installed at every required location in the subdivision before the issuance of any certificates of occupancy.

- (4) No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the planning commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.

ARTICLE 4

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations -- In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

- (1) all applicable provisions of Tennessee Law, regulations, or policy;
- (2) the Pegram Zoning Ordinance, any building and housing codes, and all other applicable laws or policies of the governing body;
- (3) the adopted general plan and major road or street (public way) plan;
- (4) the rules of the county health department and the Tennessee Department of Health and Environment;
- (5) the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a non-local highway; and
- (6) the standards and regulations adopted by all other boards, commissions, and agencies of the governing body, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104 of these regulations.

4-101.2 Self-Imposed Restrictions -- If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Pegram Zoning Ordinance or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat.

4-101.3 Monuments -- the licensed land surveyor shall place permanent, nondegradable, reference monuments on the subdivision as required herein and as approved

by a licensed surveyor. Monuments shall be located and set as follows:

- A. Control Monuments on Existing Streets -- In subdivisions located on existing public ways (where new public streets will not be constructed) two permanent horizontal control monuments shall be placed along such public ways at the external frontage perimeter points of the lots being subdivided.
- B. Control Monuments on Proposed Streets -- One permanent control monument, both vertical and horizontal, shall be placed within each subdivision where roads are to be constructed. Such monuments shall have horizontal coordinates and vertical elevations shown on the final plat. The monument shall be placed to third order accuracy or better using the U.S. Coast and Geodetic (USC&GS) Sea Level Datum of 1929 for vertical control and the 1983 North American Datum Coordinates for Geodetic Control Diagram Areas for horizontal control as published by the U.S. Department of Commerce. Control monuments shall be located within the dedicated right-of-way near the entrance to the subdivision and, if possible, in a non-fill area or be affixed to a natural rock outcrop. The location shall be described on the final plat with words and symbols making it easy to locate at the site. The monument shall have azimuth information provided either to a second monument or a substitute such as an antennae, church spire or to natural object of which disturbance is unlikely.
- C. Internal Monuments and Lot Pins -- One (1) monument, for each four (4) lots or fraction thereof in the subdivision, shall be placed within sight from one to another, no more than fifteen hundred (1500) feet apart. The monuments shall be placed within dedicated rights-of-way, when possible and shall be located in non-fill areas or affixed to natural rock outcrops. In all subdivisions, lot corners and lot line breaks shall be staked with nondegradable pins.

NOTE: It is recommended that field connection (ties) be made to the control points from the above mentioned datum, when the datum is within a reasonable distance (2,000') of the subdivision; otherwise, the plat shall have a note stating what control datum was used.

- D. All monuments shall be made of stone or concrete not less than four (4) feet in length; not less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. All lot corners not falling on any of the above described points shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighth inch in diameter. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five-eighth inch in diameter or by round or square iron bars at least eighteen (18) inches long.

4-101.4 Character of the Land -- Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of any staff assistant serving the planning commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the planning commission, flood-damage protection techniques may include, as deemed appropriate by the planning commission:

- (1) the imposition of any surety and deed restrictions enforceable by the planning

commission to regulate the future type and design of uses within flood-prone areas;

- (2) flood-protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway;

- (3) installation of flood warning systems;
- (4) the use of fill, dikes, levees, and other protective measures; and
- (5) the use of flood-proofing measures, which may include:
 - (a) anchorage to resist flotation and lateral movement.
 - (b) fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (c) reinforcement of walls to resist water pressures.
 - (d) use of paints, membranes, or mortars to reduce seepage through walls.
 - (e) addition of mass or weight to structures to resist flotation.
 - (f) installation of pumps to lower water levels in structures.
 - (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
 - (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.

- (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris.
- (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures.
- (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
- (l) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood-protection methods formulated by the subdivider or his agent shall be determined by the planning commission, which shall be guided by the policies set forth in Sections 1-104 and 2-101.4, of these regulations.

4-101.5 Subdivision Name -- The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have authority to designate the name of the subdivision which shall be determined at sketch or preliminary plat approval.

4-101.6 Street Signs, Property Numbering and Street Naming, and Traffic Control -- The planning commission shall have the authority to require developers constructing new streets or rights-of-way to install all needed Traffic Control Devices. The devices shall be at least the minimum design specified in the Tennessee Department of Transportation "Manual of Standard Traffic Control Devices." The installation of street name signs shall be the responsibility of the developer but must be of design as specified by the

planning commission. All Street Naming and Property Numbering shall be completed in conformity with the Pegram Ordinance on Property Numbering and Street Naming.

4-102 Lot Requirements

4-102.1 Lot Arrangement -- The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with the Pegram Zoning Ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

Where reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access purposes.

Where a lot in any flood-prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural flood-proofing methods specified in Section 4-101.4 of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in Section 2-101.4, of these regulations.

4-102.2 Lot Dimensions -- Lot dimensions shall comply with the minimum standards of the Pegram Zoning Ordinance, where applicable. Where lots are more than double the minimum area required by the Pegram Zoning Ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with the

Pegram Zoning Ordinance and these regulations.
Where solar access is a primary

consideration, side lot lines shall generally run from due north to due south, regardless of the resulting angle of incidence with a public way. A variation of up to twenty-five (25) degrees east or west of this axis is permitted; further variations may be allowed, but only to provide a better public way or lot plan.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback requirements from both public way rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established in the Pegram Zoning Ordinance.

Where no zoning ordinance is in effect, and public sewerage is not available (as determined by the planning commission), the minimum lot area shall be one (1) acre; it shall be larger than the minimum, if required by local health authority.

- 4-102.3 Building Setback Lines -- In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

- 4-102.4 Double Frontage Lots and Access to Lots

- 4-102.401 Double Frontage Lots -- Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

- 4-102.402 Access from Arterial or Collector Public Ways -
- The planning commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways may be necessary for several adjoining lots, the planning commission

may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public ways.

4-102.5 Soil Preservation, Grading, and Seeding

4-102.501 Soil Preservation and Final Grading -- No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide cover on the lots, cover between any sidewalks and curbs, and be stabilized by seeding or planting.

4-102.502 Lot Drainage -- Lots shall be laid out so as to provide positive drainage away from all buildings; individual lot drainage shall be coordinated with the general storm drainage pattern for the area.

4-102.6 Debris and Waste -- No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

4-102.7 Fencing -- Each subdivider or developer shall be required to furnish and install all fences wherever the planning commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the planning commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

4-102.8 Water Bodies and Watercourses -- If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of

adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No more than ten (10) percent of the minimum area of a lot required under the Pegram Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lot from the public way by which it has access, provisions shall be made for installation of culvert or other structure approved by the planning commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the planning commission and/or the appropriate governmental representative.

4-103 Public Ways

4-103.1 General Requirements

4-103.101 Frontage on Improved Public Ways -- No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from either an existing public road (except condominium ownership as provided in Section 1-112.107, of these regulations) or, if any new street construction or improvement is involved, a street approved and dedicated as provided in Articles 2 and 3, of these regulations. Any such public way must be suitably improved to the standards required by this article or be bonded by a performance bond required under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

4-103.102 Grading and Improvement Plan -- Public ways shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed public way prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

4-103.103 Improvements in Floodable Areas -- The finished elevation of proposed public ways subject to flood shall be no more than one foot below the regulatory flood protection elevation. The planning commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

4-103.104 Topography and Arrangement

- (1) All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Section 4-103.2 of these regulations.
- (2) The use of public ways running in a east-west direction and lots on a north-south axis is encourage for energy conservation of developments.
- (3) All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major street or road plan or the land development plan.
- (4) All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- (5) Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the

minimum ways necessary to provide
convenient and safe access to property.

- (6) The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- (7) Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- (8) In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.105 Blocks

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.
- (2) The lengths, widths, and shapes of blocks shall be determine with due regard to:
 - (a) provisions of adequate building sites suitable to the special needs of the type of use contemplated;
 - (b) the Pegram Zoning Ordinance as to lot sizes and dimensions;
 - (c) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (d) limitations and opportunities of topography.

- (3) Block lengths in residential areas shall not exceed sixteen hundred (1,600) feet nor be less than two hundred (200) feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- (4) Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the planning commission.
- (5) In any long block, the planning commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

A pedestrian walkaway, not less than ten (10) feet wide, may be required by the planning commission through the appropriate center of any block more than eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

4-103.106 Access to Arterials and Collectors -- Where a subdivision borders on or contains an existing or proposed arterial or collector route, the planning commission may require that access to such public way be limited by:

- (1) the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- (2) a series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing into the arterial or collector route; or
- (3) a marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

The number of residential or local public ways entering on arterial or collector routes shall be kept to a minimum.

- 4-103.107 Reserve Strips -- The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted.

However, in extraordinary circumstances the planning commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created the planning commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

- 4-103.108 Arrangement of Continuing and Dead-end Public Ways

- A. Arrangement of Continuing Public Ways -- The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued.

The planning commission may limit the length of temporary dead-end public ways in accordance with the design standards of these regulations.

- B. Dead-End Public Ways -- Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations.

4-103.2 Design Standards

- 4-103.201 Purpose -- In order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards set forth in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the planning commission according to the definitions in Article 6 of these regulations).

- 4-103.202 General Design -- The general design of all public ways shall conform to the standards in the table on the following pages.

4-103.203 Intersections

- (1) Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique public way

should

be

curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the planning commission.

- (2) Proposed new intersections along one side of an existing public way shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least eight hundred (800) feet apart.
- (3) Minimum curb radius at the intersection of two (2) minor public ways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector public way shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (4) Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate site distance.
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2) grade for a distance of sixty (60) feet, measured from the nearest

right-of-way line of the intersecting
public way.

- (6) The cross-slope on all public ways, including intersections, shall be three (3) percent or less.

4-103.204 Excess Right-of-Way -- A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three (3) to one. Where solid rock is encountered slopes shall be one-half to one.

4-103.205 Railroads and Limited Access Highways -- Railroad rights-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- (1) In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- (2) In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (3) Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

GENERAL DESIGN STANDARDS FOR PUBLIC WAYS

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COM- MERCIAL: OTHER)
<u>Minimum Right-of-Way Width (In Feet)</u>		
Minor	50	50
Collector	60	80
Arterial	*	*
<u>Minimum Width of Roadway or Paved Area (In Feet) Not Including Parking Requirements</u>		
Minor	20	24
Collector	22	24
Arterial	24 or 36 (See * Below)	36 or 48 (See * Below)
<u>Maximum Percentage Grade</u>		
Minor	10	6
Collector	7	6
Arterial	6	5
<u>Pavement Crown</u>		
The paved surface shall have a 6 inch crown (2 1/2 percent slope from center line).		
<u>Minimum Center Line Radius of Curve (In Feet)**</u>		
Minor	100	200
Collector	200	200
Arterial	500	500

* As determined by appropriate governmental representative

** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COM- MERCIAL: OTHER)
<u>Minimum Length of Vertical Curves</u>		
Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.	
<u>Minimum Length of Tangents Between Reverse Curves (In Feet)</u>		
Minor	100	200
Collector	100	200
Arterial	300	400
<u>Minimum Sight Distance (In Feet)*</u>		
Minor	200	250
Collector	240	250
Arterial	300	400
Intersection	Across Corners-- 75 feet back	Across Corners-- 75 feet back
<u>Minimum Turn around on Cul-de-sacs on Minor Public Ways (In Feet)</u>		
Right-of-way		
Diameter	100	160
Pavement Diameter	80	140
<u>Length of Cul-de-sac</u>		
Permanent	Serving no more than 26 dwelling units and not exceeding 1,000 feet in length.	
Temporary	Serving no more than 26 dwelling units and not exceeding 1,000 feet in length.	
<u>Minimum Radius (In Feet) of Return at Intersections</u>		
At right-of-way	25	30
At Pavement	30	50

*The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

4-103.206 Bridges -- Bridges of primary benefit to the subdivider, as determined by the planning commission, shall be construed at the full expense of the subdivider without reimbursement from the governing body. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the planning commission, shall be fixed by special agreement between the governing body and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-103.3 Right-of-way Width Dedication on Existing Public Ways -- Where a subdivision adjoins an existing narrow public way or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

- (1) the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing public way; or
- (2) when the subdivision is located on only one side of an existing public way, one-half of the required right-of-way, measured from the center line of the existing pavement shall be provided.

4-103.4 Public Way Surfacing and Improvements -- After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until final approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the governing body, but in no event shall such construction be below the construction specifications set forth in the Pegram Municipal Road Regulations in Appendix A, of these regulations. Adequate provisions shall be made for culverts or other drains, and bridges, as required.

All public way pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the planning commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-104 Road Construction Specifications -- The road construction specifications, Specifications for Hot Mix Surface Street, are included in these regulations as the Pegram Municipal Road Regulations Appendix A, and are adopted as a part hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

4-105 Drainage and Storm Sewers

4-105.1 General Requirements -- The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

4-105.2 Nature of Storm water Facilities

4-105.201 Location -- The subdivider may be required by the planning commission to transport by pipe or open ditch any spring or surface water that may exist either prior to or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements or appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

4-105.202 Accessibility to Public Storm Sewers

(1) Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. Inspection of facilities shall be conducted by the enforcing officer.

(2) If a connection to a public storm sewer will be provided eventually, as determined by the planning commission, the subdivider shall make arrangements for future storm water disposal by a public system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas -- A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.

4-105.204 Effect on Downstream Drainage Areas -- The governing body also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provisions has been made for adequate improvement of such drainage facilities in such sum as the planning commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4-105.205 Areas of Poor Drainage -- Whenever a plat is submitted for an area which is subject to flooding, the planning commission may approve such subdivision; provided, that the applicant fill the affected floodway fringe area of said subdivision to place public way elevations at no more than twelve (12) inches below the regulatory flood elevation and first floor elevations (including basements) at no less than the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither

shall any building nor flood restrictive
structure be erected or placed

therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the planning commission based upon the review specified in Section 2-103.2, of these regulations and the submission of flood data in construction plans as specified in Section 5-103, of these regulations.

4-105.206 Floodplain Areas -- The planning commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains floodprone land shall be subject to the special provisions set forth in Sections 2-101.4; 4-101.4; 4-104; and 4-105.2, of these regulations.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements -- Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

4-105.302 Drainage Easements

- (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.

- (2) When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (3) The applicant shall dedicate, when required by the planning commission, either in fee, or by drainage or conservation easement, the land on both sides of existing watercourse to a distance to be determined by the planning commission.
- (4) Along watercourses, low-lying lands within any floodway, as determined by the planning commission pursuant to Section 2-103 of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4-105.303 Ditching, Concrete Ditch Paving, and Culverts and Storm Drains -- The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

4-106 Water Facilities

4-106.1 General Requirements

- (1) Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.
- (2) Where a public water main is within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the governing body, the Tennessee Department of Health and Environment, and these regulations.
- (3) Where required for fire protection water mains shall not be less than six (6) inches in diameter; where water mains are not to be utilized for fire protection, the planning

commission may approve smaller lines, as necessary, to meet potable water demand.

- (4) All water systems, whether public or private, located in a floodprone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

4-106.2 Fire Hydrants -- Fire hydrants shall be required in all subdivisions; they shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) feet of any residential, commercial, or industrial lot. These distances shall be measured along road right-of-ways. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way cuttings or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the subdivision plat, unless otherwise approved by the planning commission.
(Amended by Resolution 2006-32, January 9, 2006)

4-107 Sewage Facilities

4-107.1 General Requirements -- The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Health and Environment and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

4-107.2 Mandatory Connection to Public Sewer System

- (1) When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect these facilities to the public system. The subdivider shall provide sewers which meet standards set forth in the regulations of the Tennessee Department of Health and Environment.

- (2) All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer

facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

- 4-107.3 Individual Disposal System Requirements -- If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the county health department for approval.

The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, also shall be approved by the county health department.

The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-107.4 Design Criteria for Sanitary Sewers

- 4-107.401 General -- These design criteria are not intended to cover extraordinary situations. Deviations can be allowed and may be required in those instances where considered justified by the planning commission.

- 4-107.402 Design Factors -- Sanitary sewer systems shall be designed for the ultimate tributary population. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable. Sewer capacities shall be adequate to accommodate the anticipated maximum hourly quantity of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria.

SEWER DESIGN FLOWS

Buildable Type

One and Two Family Dwellings 0.02 cubic feet
per second
(c.f.s. per acre)

Apartments

One and Two Story 0.02 c.f.s. per acre
Three through Six Story 0.03 c.f.s. per acre

Commercial

Small Stories, Offices and
Miscellaneous Business 0.02 c.f.s. per acre
Shopping Centers. 0.02 c.f.s. per acre

Industrial As initially determined
by appropriate
governmental representative

These design factors shall apply to watersheds of three hundred (300) acres or less. Design factors for watersheds larger than three hundred (300) acres and smaller than one thousand (1,000) acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of three hundred (300) acres to a design factor of 0.01 c.f.s. per acre for an area of one thousand (1,000) acres, unless otherwise directed by appropriate governmental representative. Design factors for watersheds larger than one thousand (1,000) acres shall be 0.01 c.f.s. per acre unless otherwise directed.

All sanitary sewer materials shall be A.S.T.M. and/or A.W.W.A. approved.

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths -- Sidewalks and bicycle paths, where required by the planning commission, shall be included within the dedicated non-pavement right-of-way of all public ways as indicated in the following table and shall be

improved as required by Section 4-103.4, of these
regulations. Concrete curbs

are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN

<u>Class of Street</u>	<u>Sidewalk Width</u>	
	<u>Residential Public Way</u>	<u>Nonresidential Public Way (Industrial, Commercial; Other)</u>
Minor Public Way	4 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

4-108.2 Pedestrian Accesses -- The planning commission may require, in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

4-109 Utility Easements

- (1) Easements down rear lot lines or additionally across lots, if deemed necessary by the planning commission, shall be provided for utilities (private or public). Such easements shall be at least ten (10) feet wide except for across-lot easements which shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
- (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated on the plat.

- (3) Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-110 Public Uses

- 4-110.1 Plat to Provide for Public Uses -- Whenever a tract to be subdivided includes a school, recreation use, a portion of a major public way, or other public use, as indicated on the land development plan and/or major street or road plan, or any portion thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the planning commission.

After proper determination of its necessity by the planning commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the planning commission and recording of the plat.

- 4-110.2 Referral to the Governmental Agency Concerned -- The planning commission shall refer any plat presented in accordance with Section 4-110.1. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the planning commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe determined according to the procedure outlined herein.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

- 4-110.3 Notice to Property Owner -- Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved portion of any floodway or floodway fringe shall not be altered

from its natural state by the developer in any manner whatsoever, except upon written approval of the planning commission.

4-110.3 Notice to Property Owner -- Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the developer in any manner whatsoever, except upon written approval of the planning commission.

4-110.4 Duration of Land Reservation -- The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty-four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-111 Preservation of Natural Features and Amenities -- Existing features which would add value to residential development or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the planning commission. No change of grade of the land shall be effected nor shall any natural features be removed or relocated until a preliminary subdivision plat has been approved by the planning commission.

4-112 Nonresidential Subdivisions

4-112.1 General -- If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the planning commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval set forth in the Pegram Zoning Ordinance. Site plan approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these

regulations, as well as such additional standards set forth by the planning commission, and shall conform to the proposed land development plan, major street or road plan, and the Pegram Zoning Ordinance.

4-112.2 Standards -- In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) proposed industrial parcels shall be suitable in areas and dimensions to the types of industrial development anticipated;
- (2) public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;
- (3) special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;
- (4) special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage;
- (5) every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
- (6) public way carrying nonresidential traffic, especially truck, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.